

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	CASE NUMBER 6:21-CR-00052-JDK-
	§	JDL
v.	§	
	§	
BRYSON XZAVIER FREEMAN,	§	
	§	
	§	
Defendant.	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Defendant Bryson Xzavier Freeman filed a motion to exclude evidence on December 13, 2021. Docket No. 28. The government filed its response on January 6, 2022. Docket No. 38. No further briefing on the motion was submitted. The motion was referred to United States Magistrate Judge John D. Love for findings of fact and a recommendation for the disposition of the motion. Docket No. 33

On January 14, 2022, Judge Love issued a Report (Docket No. 39), recommending that Defendant's motion be denied. Specifically, Judge Love recommended that the motion to exclude evidence and the request for an evidentiary hearing be denied because Defendant failed to state sufficient factual allegations and submitted no evidence to support his motion. *Id.*


Defendant has not filed objections to the Report. Because objections to Judge Love's Report have not been filed, Defendant is barred from *de novo* review by the

District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed Defendant's motion to exclude evidence, the response, and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Accordingly, it is **ORDERED** that the Report of the United States Magistrate Judge, (Docket No. 39), is **ADOPTED** as the opinion of the Court and Defendant's motion to exclude evidence (Docket No. 28) is **DENIED**.

So **ORDERED** and **SIGNED** this 1st day of **February, 2022**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE